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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

Appellant: Daniel E. ALESI

Serial No: 09/783,967

Filed: February 16, 2001

For: SAFETY DEVICE FOR
INTRAVENOUS INFUSION
NEEDLES



Appeal No.

APPELLANT'S BRIEF ON EX PARTE APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a brief for appealing the final rejection of pending claims 39-52 of the above-identified application.

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REAL PARTY IN INTEREST

The real party in interest for this appeal is Smiths Medical ASD, Inc., successor per name change of Portex, Inc., to which the inventors assigned the instant invention per an Assignment in parent application No. 09/413,803, now U.S. patent 6,309,976, recorded in the Assignment Branch of the U.S. Patent and Trademark Office.

RELATED APPEALS AND INTERFERENCES

There are appeals pending of other inventions (09/550,049 and 09/920,860) by the assignee of the instant application before the Board. However, as far as is known, it is believed that there are no appeals or interferences that directly affect or be directly affected by or have a bearing on the Board's decision on the instant pending appeal.

STATUS OF CLAIMS

Claims 1-47 were in the specification as filed. A preliminary amendment filed concurrently with the filing of the application cancelled claims 1-23.

Claims 39-47 were elected for prosecution in response to a restriction requirement dated July 23, 2002. In response to an office action dated September 19, 2002, claims 39 and 44 were amended and claims 48-52 added in an amendment dated December 13, 2002. In response to a final rejection office action dated February 25, 2003, claims 39 and 44-48 were amended. A RCE was filed in response to an advisory action dated June 10, 2003 in which the examiner asserts the newly amended claims raised new issues.

In response to an office action dated July 1, 2003, claims 39, 44 and 48 were amended. An office action dated January 21, 2004 final rejected claims 39-52. A response was filed on March 25, 2004 with no amendment to the claims. In receipt of an advisory action dated April 26, 2004 maintaining the final rejection, a notice of appeal, with a one month extension, was filed on May 19, 2004.

The claims at issue in this case and herein on appeal are claims 39-52, as reproduced in Appendix A.

STATUS OF AMENDMENTS

There was no amendment filed in response to the final rejection office action dated January 21, 2004.

SUMMARY OF THE INVENTION

The intravenous device of the instant invention, as set forth in claim 1, comprises a body (4) that has a through passage, with a needle (6) extending from one end and a flexible tubing (10) extending from the other end of the body to thereby establish a fluid communication path from the needle to the flexible tubing. A housing (28) is molded to and integrally extends from the end of the body where the needle extends, the housing being pivotable to the position in alignment along the longitudinal axis of the body to envelop the needle. [Fig. 8; page 10, lines 17 to page 11, line 2]

Independent claim 44 recites that the housing (28) and the body (4) are formed from the same mold so that the housing is integrally attached to the body. Independent claim 38 recites a winged body (4) with a housing integrally molded thereto and extending from the end of the body to which the needle extends.

The instant invention is a one-piece molded IV assembly that has a built-in safety device. [Page 4, lines 12-13]

A sub-embodiment of the instant invention includes a pair of fingers (34a, 34b) that coact to prevent the needle from being removed from the housing once the housing is pivoted to envelop the needle. [Figs. 4a and 4b; Page 8, line 20 to page 9, line 2] This sub-embodiment is recited in claims 42 and 51.

ISSUES

The examiner has final rejected claims 39-47 under 35 U.S.C. 103(a) as being unpatentable over Sweeney et al. (USP 5,746,726) in view of Newby et al. (USP 6,436,086) and further in view of Burns (USP 5,643,219). The examiner has moreover final rejected claims 39-41, 44-46 and 48-52 under 35 U.S.C. 103(a) as being unpatentable over Newby et al. in view of Burns.

In view of the examiner's rejections, the issue presented herein on appeal is the following:

Are the 35 U.S.C. 103(a) rejections under the combination of Sweeney, Newby and Burns, and the combination of Newby and Burns sustainable?

GROUPING OF CLAIMS

There are three sets of claims being appealed. They are claims 39-43, 44-47 and 48-52. Appellant respectfully submits that independent claims 39, 44 and 47 each are patentable over the prior art. Appellant further respectfully submits that dependent claims 42 and 51 are separately patentable over the prior art.

ARGUMENT

For a section 103 rejection, the CAFC has held: "A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then accepted wisdom in the field. (Cite omitted) Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of the hindsight syndrome wherein that which only the invention taught is used against its teacher' (cite omitted) ... Most if not all inventions arise from the combination of old elements. (cite omitted) Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat

patentability of the whole claimed invention. See *id.* Rather, to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” *In re Kotzab*, 217 F.3d. 1365, 1369, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

In *In re Sang Su Lee*, 277 F.3d. 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002), the CAFC further states: “When patentability turns on the question of obviousness the search for and analysis of the prior art includes evidence relative to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied upon as evidence of obviousness. (cite omitted) ‘the central question is whether there is reason to combine [the] references,’ a question of fact drawn on the Graham factors.The factual inquiry to whether to combine references must be thorough and searching. *Id.* It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with. ... Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. ... The need for specificity pervades this authority (cite omitted) ‘particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed’ ... ‘even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed invention. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious’ ... it is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to ‘[use] that which the inventor taught against its teacher.’” At 277 F.3d 1343-1344, 61 U.S.P.Q.2d 1334-1336.

Being appealed claim 39 recites an intravenous device that has a body having a through passage whereto its one end a needle extends and its other end a flexible tubing connected. A housing is molded to and integrally extends from the one end of the body. Being appealed claim 44 recites a safety intravenous assembly that likewise includes a body having a one end and an other end through which a passage extends, with a needle extending from the one end and a flexible tube extending from the other end. The body is formed from a mold and has integrally attaching thereto a housing that is also formed from the mold. Being appealed claim 48 recites an intravenous device that has a winged body that has one end and an other end, with a needle extending from the one end and a flexible tubing connected to the other end for establishing a fluid communication path between the tubing and the needle. A housing is integrally molded to and extends from the one end of the body.

Thus, in all of the embodiments set forth in the pending independent claims, the device of the instant invention is a single piece molded assembly with a built in safety device that does not have any separate components. [Page 4, lines 12-13 of specification.] Putting it differently, the device is produced from a single mold, be it the intravenous device as set forth in claims 39 and 44, or the winged device as set forth in claim 48. By thus forming the complete device from a single mold, the manufacturing of the device of the instant invention is expedited, and the cost of the manufacturing process is reduced. [Page 2, lines 3-4 of specification.]

Contrast the device of the instant invention with the prior art devices as disclosed by the references relied upon by the examiner. In particular, Sweeney discloses a syringe that has connected thereto a separable needle assembly which in turn is separable into a needle hub 22 and a housing 36. As clearly shown, housing 36 is connected to needle hub 22 by means of cooperating hinges 50 that are made up of extending fingers and cooperating holes. Sweeney does not disclose any body that has a through passage to which one end has a needle and another end has a flexible tube.

Newby was cited by the examiner to show the flexible tube. Yet Newby, like Sweeney, also discloses a needle assembly that is made up of a number of separable components. To wit, Fig. 2 shows a double ended needle 40 to which one end is fitted a collar 90 that has a hook member 114 to which is snap-fitted, by means of a hanger bar 182, the needle protection housing 140. The snap-fitting of a needle housing to a collar by means of a cooperating hanger bar and hook member is disclosed throughout Newby. Indeed, in Fig. 17 which shows an intravenous device, Newby states: "For purposes of illustration, shield 140a and collar 90a are connected to a conventional IV infusion set ..." (column 7, lines 14-15). Newby likewise fails to disclose a body that has a through passage.

The examiner has relied upon Burns for suggesting that a housing may be molded to the main body of the device. But in actuality, Burns discloses something totally different. With reference to Fig. 1, the needle assembly disclosed in Burns in fact comprises a double ended needle and a shield 38 that is connected to a mounting 48, which is used for holding shield 38 onto hub 20 of the double-ended needle (column 4, lines 19-27). As disclosed, it is imperative for the Burns device that mounting 48 be a separate component insofar as it allows shield 38 to be freely rotated about hub 20. Fig. 4 of Burns relied by the examiner in fact shows the shield and its hub, and nothing more.

Thus, nothing in any of the references relied upon by the examiner suggests the unitary molded device of the instant invention that includes both a main body having attached thereto a needle and a flexible tube, and an integrally connected housing. If anything, each of the relied upon references discloses separate components that need to be assembled together to form the device as disclosed. The so-called one-piece molded unit shown in Fig. 4 of Burns that allegedly shows molding in fact is but a single component of the needle assembly of Burns, which device is disclosed as having to be assembled from different components.

In sum, as there is nothing in any of the cited references that discloses or suggests a single unitary device as set forth in the pending claims, there could not be any motivation for making the combination as asserted in the Office Action. Indeed, by combining the three references as asserted to by the examiner will beget a device that nonetheless will continue to have separate components.

The examiner argues that the claimed invention, even though the housing is recited to be molded to and integrally extending from the body, nonetheless should be interpreted as merely “another part”, as defined by the Merriam-Webster’s On-Line Dictionary reproduced on page 2 of the advisory action dated April 26, 2004. In that advisory action, the examiner deems the definition that is most appropriate for defining the word “integral” to be: “c) formed as a unit with another part”.

Per the attached Appendix B Webster’s Ninth New Collegiate Dictionary, but for one difference, the word “integral” is similarly defined as the on-line dictionary reproduced by the examiner. Interestingly, definition (2) for “integral” in Appendix B is: “composed of integral parts; INTEGRATED”. Indeed, the “integrated” definition should be used to define the term “integral”.

As is well known, the drafter of an application could be his own lexicographer. Albeit in this instance the ordinary every day meaning of the word “integral” was used. This is amply supported in the disclosure. For example, page 2, lines 7-9 of the specification states: “In addition, the present invention safety device also can lend itself to being integral with the molding of the IV butterfly wings.” Lines 16-17 of the same page of the specification further states: “Alternatively, the base can be an integral part of the body of the winged IV infusion assembly.” The fact that the word “integral” is meant to denote “integrated” is further evidenced by the disclosure on page 10, lines 17-18 which states: “Fig. 8 shows another embodiment of the instant invention in which housing 28 is integrated to body 4 via living hinge 31. This can be accomplished by casting housing 28 and intravenous infusion assembly 2 from the same mold.”

Thus, appellant respectfully submits that the definition relied upon by the examiner to define the word “integral” is incorrect. Rather, the correct conventional every day meaning of the term “integral” with respect to this invention, as repeatedly amplified in the specification, should be that provided in definition (2) in Appendix B, i.e., “ composed of integral parts: INTEGRATED”. This is moreover supported by the drawing of Fig. 8 which clearly shows a one-piece device that has housing 28 integrated to body 4. Fig. 8 is described on page 6, lines 1-3 as follows: “Fig. 8 shows an embodiment of the instant invention in which an IV infusion assembly has molded thereto the safety devices illustrated in the previous figures.”

Given that the correct definition of “integral” should be “composed of integral parts; INTEGRATED”, note further on the same page of Appendix B where the word “integrate” is defined as: 1: to form, coordinate, or blend into a functioning or unified whole: UNITE”.

In light of the above-noted ordinary meaning of the word “integral” as recited in the claims, appellant respectfully submits that the adding of different parts as asserted by the examiner is not the same as a molded, integral one-piece device such as that shown in Fig. 8 and disclosed throughout the specification of the instant application. And given that there is no disclosure in any of the references relied upon by the examiner that suggests a single molded integral device [quite in contrast, each of the references relied upon by the examiner in actuality teaches the fitting of separate parts together to make a device], and further the lack of motivation in the references for molding the different parts of the various devices into a single unit, it is respectfully submitted that the instant invention as set forth in the claims is non-obvious over the prior art.

Appellant further notes that none of the prior art discloses or suggests a pair of fingers coacting to prevent the needle from being removed from the housing once the housing is pivoted to envelope the needle, as set forth in claims 42 and 51.

In light of the above, appellant respectfully submits that the prior art rejections of the at issue claims are not sustainable. Accordingly, appellant respectfully requests that the examiner's rejections of pending claims 39-52 be reversed.

Respectfully submitted,


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Date: July 19 2004

APPENDIX A

39. An intravenous device, comprising:
 - a body having a through passage connecting its one end to its other end, a needle extending from said one end and a flexible tubing connected to said other end for establishing a fluid communication path between said needle and said tubing through said body, whereby with said needle inserted to a patient intravenous infusion to or withdrawal of fluid from said patient may be effected; and
 - a housing molded to and integrally extending from said one end of said body, said housing being pivotable to a position in substantial alignment along the longitudinal axis of said body so as to envelop said needle.
40. Intravenous device of claim 39, further comprising:
 - locking means integrated to said housing for fixedly retaining said needle within said housing once said needle is enveloped by said housing.
41. Intravenous device of claim 40, wherein said locking means comprises a hook that snaps over and retains said needle within said housing when said housing is pivoted substantially to said alignment position.
42. Intravenous device of claim 40, wherein said locking means comprises at least one pair of fingers coacting to prevent said needle from being removed from said housing once said housing is pivoted to envelop said needle.
43. Intravenous device of claim 40, wherein said one end of said body includes at least one locking means and said housing includes at least an other locking means; and
 - wherein said one and other locking means coact with each other for fixedly retaining said housing relative to said body when said housing is pivoted to envelop said needle.
44. Safety intravenous assembly that prevents a contaminated needle that is a part thereof from being exposed to the environment, comprising:
 - a body having a one end and an other end, a through passage extending from said one end to said other end, said needle extending from said one end and a flexible tube through which fluid passes is connected to said other end so that a fluid passage is established between said tube and said needle, said body being formed from a mold;

a housing further formed from said mold so as to be integrally attached to said body, said housing being pivotable to a position in substantial alignment along the longitudinal axis of said body for enveloping said needle.

45. Safety intravenous assembly of claim 44, further comprising:
locking means integrated to said housing for fixedly retaining said needle within said housing once said needle is enveloped by said housing.
46. Safety intravenous assembly of claim 45, wherein said locking means comprises a hook that retains said needle within said housing once said housing is pivoted substantially to said alignment position.
47. Safety intravenous assembly of claim 44, further comprising:
first locking means integrated to said end of said body; and
second locking means integrated to said housing;
wherein said first and second locking means coact with each other to fixedly hold said housing relative to said body when said housing is pivoted to said alignment position.
48. An intravenous device, comprising:
a winged body having a through passage connecting its one end to its other end, a needle extending from said one end and a flexible tubing connected to said other end for establishing a fluid communication path between said tubing and said needle so that when said needle is inserted to a patient intravenous infusion to or withdrawal of fluid from said patient may be effected; and
a housing integrally molded to and extending from said one end of said body, said housing being pivotable to a position in substantial alignment along the longitudinal axis of said body to envelop said needle.
49. Intravenous device of claim 48, further comprising:
locking means integrated to said housing for fixedly retaining said needle within said housing once said needle is enveloped by said housing.
50. Intravenous device of claim 49, wherein said locking means comprises a hook that snaps over and retains said needle within said housing when said housing is pivoted substantially to said alignment position.

51. Intravenous device of claim 49, wherein said locking means comprises at least one pair of fingers coacting to prevent said needle from being removed from said housing once said housing is pivoted to envelop said needle.

52. Intravenous device of claim 49, wherein said one end of said body includes at least one locking means and said housing includes at least an other locking means; and

wherein said one and other locking means coact with each other for fixedly retaining said housing relative to said body when said housing is pivoted to envelop said needle.

APPENDIX B

WEBSTER'S
Ninth New
Collegiate
Dictionary

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supply (of provisions) **c** : lack of physical power or capacity; **specif** : inability of an organ or body part to function normally **2** : something insufficient (aware of my own *insufficiencies*)

in-suf-*fi*-cient \in(t)-sə-'fish-ənt\ **adj** [ME, fr. MF, fr. LL *insufficient*, *insufficiens*, fr. L *in-* + *sufficient*, *sufficiens* sufficient] (14c) : not sufficient : INADEQUATE; **esp** : deficient in power, capacity, or competence — **in-suf-*fi*-cient-ly** **adv**

in-suf-fla-tion \in(t)-sə-'flā-shən, in-,səf-'lā-\ **n** [MF, fr. LL *insufflation*, *insufflatio*, fr. *insufflatus*, pp. of *insufflare* to blow upon, fr. L *in-* + *sufflare* to inflate, fr. *sub-* + *flare* to blow — more at BLOW] (15c) : an act or the action of blowing on, into, or in: as **a** : a Christian ceremonial rite of exorcism performed by breathing on a person **b** : the act of blowing something (as a gas, powder, or vapor) into a body cavity — **in-suf-flate** \in(t)-sə-,flāt, in-'səf-,lāt\ **vi** — **in-suf-fla-tor** \-,flāt-ər, -,lāt-ər\ **n**

in-su-lant \in(t)-sə-'lənt\ **n** (ca. 1929) : an insulating material : INSULATION

in-su-lar \in(t)s-(y)ə-lər, 'in-shə-lər\ **adj** [LL *insularis*, fr. L *insula* island] (1611) **1** **a** : of, relating to, or constituting an island **b** : dwelling or situated on an island (of residents) **2** **of a plant or animal** : having a restricted or isolated natural range or habitat **3** : characteristic of an isolated people; **esp** : being, having, or reflecting a narrow provincial viewpoint **4** : of or relating to an island of cells or tissue — **in-su-lar-ism** \-,lə-,riz-əm\ **n** — **in-su-lar-i-ty** \in(t)s-(y)ə-'lər-ət-ē, 'in-shə-'lər-ət-ē\ **n** — **in-su-lar-ly** \in(t)s-(y)ə-lər-lē, 'in-shə-'lər-lē\ **adv**

in-su-late \in(t)-sə-,lāt\ **vi** — **lat-ed**; **lat-ing** [L *insula*] (ca. 1727) : to place in a detached situation : ISOLATE; **esp** : to separate from conducting bodies by means of nonconductors so as to prevent transfer of electricity, heat, or sound

in-su-la-tion \in(t)-sə-'lā-shən\ **n** (1798) **1** **a** : the action of insulating **b** : the state of being insulated **2** : material used in insulating

in-su-la-tor \in(t)-sə-,lāt-ər\ **n** (1801) : one that insulates; **esp** : a material that is a poor conductor of electricity or a device made of such material and used for separating or supporting conductors to prevent undesired flow of electricity

in-su-lin \in(t)s-(ə-)lən\ **n** [NL *insula* islet (of Langerhans), fr. L, island] (ca. 1914) : a protein pancreatic hormone secreted by the islets of Langerhans that is essential esp. for the metabolism of carbohydrates and is used in the treatment and control of diabetes mellitus

insulin shock **n** (1925) : hypoglycemia associated with the presence of excessive insulin in the system and characterized by progressive development of coma

in-sult \in-'səlt\ **vb** [MF or L; MF *insulter*, fr. L *insultare*, lit., to spring upon, fr. *in-* + *saltare* to leap — more at SALTATION] **vi**, archaic (1540) : to behave with pride or arrogance : VAUNT ~ **vi** : to treat with insolence, indignity, or contempt : AFFRONT; **also** : to affect offensively or damagingly (doggerel that ~s the reader's intelligence) — **syn** see OFFEND — **in-sult-er** **n** — **in-sult-ing-ly** \in-'səl-tin-lē\ **adv**

in-sult \in-'səlt\ **n** (1603) **1** : a gross indignity **2** : injury to the body or one of its parts; **also** : something that causes or has a potential for causing such insult (pollution and other environmental ~s)

in-su-per-a-ble \('in)sü-pərə-bəl\ **adj** [ME, fr. MF & L; MF, fr. L *insuperabilis*; fr. *in-* + *superare* to surmount, fr. *super* over — more at OVER] (14c) : incapable of being surmounted, overcome, or passed over (of difficulties) — **in-su-per-a-bly** \-,blē\ **adv**

in-sup-port-a-ble \in(t)-sə-'pōr-tə-bəl, -,pōr-\ **adj** [MF or LL; MF, fr. LL *insupportabilis*, fr. L *in-* + *supportare* to support] (1530) : not supportable: **a** : more than can be endured (of pain) **b** : impossible to justify (of charges) — **in-sup-port-a-ble-ness** **n** — **in-sup-port-a-bly** \-,blē\ **adv**

in-sup-press-ible \in(t)-sə-'pres-ə-bəl\ **adj** (1610) : IRREPRESSIBLE — **in-sup-press-ibly** \-,blē\ **adv**

in-sur-a-ble \in-'shür-ə-bəl\ **adj** (1810) : that may be insured — **in-sur-a-bi-ty** \-,shür-ə-'bil-ət-ē\ **n**

in-sur-a-nce \in-'shür-ən(t)s, chiefly Southern 'in-,n\ **n** (1651) **1** **a** : the business of insuring persons or property **b** : coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specified contingency or peril **c** : the sum for which something is insured **2** : a means of guaranteeing protection or safety (the contract is your ~ against price changes) (the shelter provides ~ against enemy attack)

insurance **adj** (1954) : being a score that adds to a team's lead and makes it impossible for the opposing team to tie the game with its next score (of run)

in-sure \in-'shü(ə)r\ **vb** **in-sured**; **in-sur-ing** [ME *insuren*, prob. alter. of *assuren* to assure] **vi** (1635) **1** : to provide or obtain insurance on or for **2** : to make certain esp. by taking necessary measures and precautions ~ **vi** : to contract to give or take insurance — **syn** see ENSURE

in-sured **n** (1681) : a person whose life or property is insured

in-sur-er \in-'shür-ər\ **n** (1654) : one that insures; **specif** : an insurance underwriter

in-sur-gence \in-'sər-jən(t)s\ **n** (1847) : an act or the action of being insurgent : INSURRECTION

in-sur-gen-cy \-,jən-sē\ **n**, **pl** -cies (1803) **1** : the quality or state of being insurgent; **specif** : a condition of revolt against a government that is less than an organized revolution and that is not recognized as belligerency **2** : INSURGENCE

in-sur-*gen*t \-,jənt\ **n** [L *insurgent*, *insurgens*, pp. of *insurgere* to rise up, fr. *in-* + *surgere* to rise — more at SURGE] (1765) **1** : a person who revolts against civil authority or an established government; **esp** : a rebel not recognized as a belligerent **2** : one who acts contrary to the policies and decisions of his political party

insurgent **adj** (1814) : rising in opposition to civil authority or established leadership : REBELLIOUS — **in-sur-*gen*t-ly** **adv**

in-sur-mont-a-ble \in(t)-sə-'maʊnt-ə-bəl\ **adj** (1690) : incapable of being surmounted : INSUPERABLE (of problems) — **in-sur-mont-a-bly** \-,blē\ **adv**

in-sur-rec-tion \in(t)-sə-'rek-shən\ **n** [ME, fr. MF, fr. LL *insurrection*, *insurrectio*, fr. *insurrectus*, pp. of *insurgere*] (15c) : an act or instance of revolting against civil authority or an established government — **syn** see REBELLION — **in-sur-rec-tion-al** \-,shnəl, -shən-'l\ **adj** — **in-sur-rec-tion-ary** \-,shə-,ner-ē\ **adj or n** — **in-sur-rec-tion-ist** \-,sh(ə-)nəst\ **n**

in-sus-cep-ti-ble \in(t)-sə-'sep-tə-bəl\ **adj** (1603) : not susceptible (of flattery) — **in-sus-cep-ti-bil-i-ty** \-,sep-tə-'bil-ət-ē\ **n** — **in-sus-cep-ti-bly** \in(t)-sə-'sep-tə-bly\ **adv**

in-tact \in-'takt\ **adj** [ME *intacte*, fr. L *intactus*, fr. *in-* + *tactus*, pp. of *tangere* to touch — more at TANGENT] (15c) **1** : untouched esp. by anything that harms or diminishes : ENTIRE, UNINJURED **2** **of a living body or its parts** : having no relevant component removed or destroyed

a : physically virginal **b** : not castrated — **syn** see PERFECT — **in-tac-ti-ness** \-,tak(t)-nəs\ **n**

in-ta-glio \in-'tal-(),yō, -,täl-; -,tag-lē-,ō, -,täg-\ **n**, **pl** -grios [It, fr. *intagliare* to engrave, cut, fr. ML *intaliare*, fr. L *in-* + LL *taliare* to cut — more at TAILOR] (1644) **1**

a : an engraving or incised figure in stone or other hard material depressed below the surface of the material so that an impression from the design yields an image in relief **b** : the art or process of executing intaglios **c** : printing (as in die stamping and gravure) done from a plate in which the image is sunk below the surface **2** : something (as a gem) carved in intaglio

in-take \in-'tāk\ **n** (1690) **1** : an opening

through which fluid enters an enclosure **2** **a** : a taking in **b** : the amount taken in **(2)** : something (as energy) taken in : INPUT

in-tan-gi-ble \('in)-tan-ja-bəl\ **adj** [F or ML; F, fr. ML *intangibilis*, fr. L *in-* + LL *tangibilis* tangible] (1640) : not tangible : IMPALPABLE — **in-tan-gi-bil-i-ty** \(),in)-tan-ja-'bil-ət-ē\ **n** — **in-tan-gi-ble-ness** \('in)-tan-ja-bəl-nəs\ **n** — **in-tan-gi-bly** \-,blē\ **adv**

intangible **n** (1914) : something intangible; **specif** : an asset (as goodwill) that is not corporeal

in-tar-sia \in-'tär-sē-ə\ **n** [G, modif. of It *intarsio*] (1867) : a mosaic

of wood fitted into a support; **also** : the art or process of making such a mosaic

in-te-ger \int-i-žər\ **n** [L, adj., whole, entire — more at ENTIRE] (1571)

1 : any of the natural numbers, the negatives of these numbers, or zero

2 : a complete entity

in-te-gra-ble \int-i-žə-bəl\ **adj** (1727) : capable of being integrated (of functions) — **in-te-gra-bil-i-ty** \int-i-žə-'bil-ət-ē\ **n**

in-te-gral \int-i-žəl\ **adj** (usu so in mathematics); **in-tegral** also -tēg-əl (1551) **1** **a** : essential to completeness : CONSTITUENT (as a part of the curriculum) **b** **(1)** : being, containing, or relating to one or more mathematical integers **(2)** : relating to or concerned with mathematical integrals or integration **c** : formed as a unit with another part **d** : composed of integral parts : INTEGRATED **3** : lacking nothing essential : ENTIRE — **in-te-gral-i-ty** \int-i-žə-'gral-ət-ē\ **n** — **in-te-gral-ly** \int-i-žə-'gral-ē\ **adv**

integral **n** (1727) : the result of a mathematical integration — compare DEFINITE INTEGRAL, INDEFINITE INTEGRAL

integral calculus **n** (ca. 1727) : a branch of mathematics concerned with the theory and applications (as in the determination of lengths, areas, and volumes and in the solution of differential equations) of integrals and integration

integral domain **n** (1937) : a mathematical ring in which multiplication is commutative, which has a multiplicative identity element, and which contains no pair of nonzero elements whose product is zero (the integers under the operations of addition and multiplication form an integral domain)

in-te-grand \int-i-žə-grānd\ **n** [L *integrandus*, gerundive of *integrand*] (1897) : a mathematical expression to be integrated

in-te-grate \int-i-žə-grāt\ **vb** -grat-ed; -grat-ing [L *integratus*, pp. of *integre*, fr. *integr-*, *integer*] **vi** (1638) **1** : to form, coordinate, or blend into a functioning or unified whole : UNITE **2** : to find the integral of (as a function or equation) **3** **a** : to unite with something else **b** : to incorporate into a larger unit **4** **a** : to end the segregation of and bring into common and equal membership in society or an organization **b** : DESEGREGATE (of school districts) ~ **vi** : to become integrated

integrated circuit **n** (1959) : a tiny complex of electronic components and their connections that is produced in or on a small slice of material (as silicon) — **integrated circuitry** **n**

in-te-gra-tion \int-i-žə-'grā-shən\ **n** (1620) **1** : the act or process or an instance of integrating; **as** **a** : incorporation as equals into society of an organization of individuals of different groups (as races) **b** : coordination of mental processes into a normal effective personality or with the individual's environment **2** **a** : the operation of finding a function whose differential is known **b** : the operation of solving a differential equation

in-te-gra-tion-ist \-,sh(ə-)nəst\ **n** (1951) : a person who believes in, advocates, or practices social integration — **integrationist** **adj**

in-te-gra-tive \int-i-žə-'grāt-iv\ **adj** (1862) : serving to integrate or favoring integration : directed toward integration (of forces in a fragmented society)

in-te-gra-tor \-,grāt-ər\ **n** (1876) : one that integrates; **esp** : a device of a computer unit that totalizes variable quantities in a manner comparable to mathematical integration

in-tegri-ty \in-'teg-rat-ē\ **n** (15c) **1** : an unimpaired condition : SOUNDNESS

2 : firm adherence to a code of esp. moral or artistic values : INTEGRITY

3 : the quality or state of being complete or undivided : COMPLETENESS — **syn** see HONESTY

in-teg-u-ment \in-'teg-yə-mənt\ **n** [L *integumentum*, fr. *integere* to cover, fr. *in-* + *tegere* to cover — more at THATCH] (1611) : something that covers or encloses; **esp** : an enveloping layer (as a skin, membrane, or husk) of an organism or one of its parts — **in-teg-u-men-ta-ry** \-,ment-ərē, -,men-trē\ **adj**

in-tel-lect \int-i-'lek-tət\ **n** [ME, fr. MF or L; MF, fr. *intellectus*, fr. *intelligere* to understand — more at INTELLIGENT] (14c) **1** : the power of knowing as distinguished from the power to feel and to will : the capacity for knowledge **b** : the capacity for rational or intelligent thought **esp** when highly developed **2** : a person with great intellectual powers

in-tel-lec-tion \int-i-'lek-shən\ **n** (15c) **1** : exercise of the intellect

2 : an act of the intellect : THOUGHT



intaglio 1a

CITATIONS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

Appellant: Daniel E. Aleasi

Serial No: 09/783.967

Filed: February 16, 2001

For: SAFETY DEVICE FOR
INTRAVENOUS INFUSION
NEEDLES

Appeal No.



FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Commissioner is hereby authorized to debit the amount of \$330.00 from Deposit Account No. 50-0501 for the filing of the accompanying Appeal Brief for the above-identified Application.

The Commissioner is further hereby authorized to debit funds from Deposit Account No. 50-0501 if the amount noted above is insufficient. A duplicate copy of this letter is attached.

Respectfully submitted,


Louis Woo, Reg. No. 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22313
Phone: (703) 299-4090

Date: July 19 2004